

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Osahenrumwen Ojo

v.

Civil No. 12-cv-204-SM

Hillsborough County Department
of Corrections et al.¹

O R D E R

Before the court is the complaint (doc. no. 1) filed by plaintiff, Osahenrumwen Ojo, asserting that Hillsborough County Department of Corrections ("HCDC") officers sexually assaulted him on four separate occasions in June-August 2011, while conducting pat down searches, by reaching between his legs and grabbing his genitals from behind. In a report and recommendation issued on this date, the magistrate judge has recommended that the district judge dismiss Ojo's claim seeking to hold the HCDC liable for the alleged sexual assaults under 42 U.S.C. § 1983.

For reasons stated in that report and recommendation, the remaining claims, identified therein, may proceed. Accordingly,

¹ Defendants named by Ojo are the Hillsborough County Department of Corrections ("HCDC"), HCDC Sergeant FNU Balles, and HCDC Corrections Officers FNU Turcotte, FNU Mercy, and FNU Barbarian. "Balles" and "Barbarian" are Ojo's spellings for the names of HCDC officers, who may be named "Ballis" and "Barbera." The court uses Ojo's spelling to refer to the officers at issue.

the following claims shall be served, as specified below: Ojo's Fourteenth Amendment sexual assault claim asserted against the individual defendants (HCDC Sergeant FNU Balles, and HCDC Corrections Officers FNU Turcotte, FNU Mercy, and FNU Barbarian); and Ojo's tort claims of assault, battery, and intentional infliction of emotional distress, asserted against those individuals and their employer, HCDC.

The clerk's office is directed to complete and issue summonses for the following defendants: HCDC, HCDC Sergeant FNU Balles, and HCDC Corrections Officers FNU Turcotte, FNU Mercy, and FNU Barbarian, using the HCDC's address for service, 445 Willow St., Manchester, NH 03103. The clerk's office shall forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office"): the summonses; the complaint (doc. no. 1); the report and recommendation issued on this date; and this order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall serve process upon the HCDC, and upon each individual defendant, see Fed. R. Civ. P. 4(c)(3), 4(e), and 4(j)(2); N.H. Rev. Stat. Ann. § 510:10.

Defendants are instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Ojo is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

September 25, 2012

cc: Osahenrumwen Ojo, pro se

LBM:nmd